

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - FINAL

Tuesday, February 8, 2011 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT

JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN
ELSBERND, MARK FARRELL, JANE KIM, ERIC MAR, ROSS MIRKARIMI, SCOTT WIENER

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Meeting Days

Budget and Finance Committee

Supervisors Chu, Mirkarimi, Kim

Wednesday

1:00 PM

City and School District Select Committee

Supervisors Cohen, Avalos, Chu, Commissioners Fewer, Murase, Norton

2nd and 4th Thursday

3:30 PM

City Operations and Neighborhood Services Committee

Supervisors Avalos, Mar, Elsbernd

2nd and 4th Monday

10:00 AM

Government Audit and Oversight Committee

Supervisors Campos, Farrell, Chiu

2nd and 4th Thursday

10:00 AM

Land Use and Economic Development Committee

Supervisors Mar, Cohen, Wiener

Monday

1:00 PM

Public Safety Committee

Supervisors Mirkarimi, Cohen, Campos

1st and 3rd Thursday

10:30 AM

Rules Committee

Supervisors Kim, Elsbernd, Farrell

1st and 3rd Thursday

1:30 PM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: John Avalos, David Campos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Ross Mirkarimi, and Scott Wiener

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:14 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Mar, seconded by Supervisor Campos, moved to approve the Board Meeting Minutes of January 4, 2011 (Regular), January 7, 2011 (Special), and January 8, 2011 (Inaugural). The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendation of the City Operations and Neighborhood Services Committee

101147 [Public Works Code - Establishment of Regulatory Controls for the Discharge of Fats, Oils, and Grease Into Sewers]

Sponsor: Mar

Ordinance amending Article 4.1 of the San Francisco Public Works Code by adding Sections 140 - 140.7 to provide prohibitions, limitations, and requirements for the discharge of fats, oils, and grease into the City's sewerage system by food service establishments.

Ordinance No. 18-11

FINALLY PASSED

Recommendation of the Land Use and Economic Development Committee

101105 [Environment Code - Existing Commercial Buildings Energy Performance]

Sponsors: Mayor; Chiu, Wiener and Mar

Ordinance amending the San Francisco Environment Code by adding Chapter 20, Sections 2000 through 2009, to adopt the San Francisco Existing Commercial Buildings Energy Performance Ordinance, requiring owners of nonresidential buildings to conduct Energy Efficiency Audits of their properties and file Annual Energy Benchmark Summaries for their buildings, and making environmental findings.

Ordinance No. 17-11

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

REGULAR AGENDA

UNFINISHED BUSINESS

There were no items.

NEW BUSINESS

Recommendations of the Budget and Finance Committee

110012 [Accept and Expend Grant - Clean Energy Workforce Training Program and Amendment to the Annual Salary Ordinance for FY2010-2011 - \$603,888]

Sponsors: Mayor; Mar

Ordinance authorizing the Mayor's Office of Economic and Workforce Development to retroactively accept and expend a grant in the amount of \$603,888 from the California Employment Development Department to support the Clean Energy Workforce Training Program, and amending Ordinance No. 191-10 (Annual Salary Ordinance FY2010-2011) to reflect the addition of one (1) grant funded 9772 Community Development Specialist position at 0.6 FTE in FY2010-2011 in the Mayor's Office of Economic and Workforce Development.

Supervisor Mar requested to be added as a co-sponsor.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110071 [Waiver of the Competitive Bidding and Solicitation Requirements for a Contract with Environmental Science Associates for the California Environmental Quality Act Review of the 34th America's Cup Event]

Sponsors: Mayor; Mirkarimi, Chiu, Elsbernd, Farrell, Cohen, Avalos, Wiener and Mar

Ordinance approving a waiver of the competitive bidding and solicitation requirements of Chapter 6 and Chapter 21 of the San Francisco Administrative Code for a contract with Environmental Science Associates for California Environmental Quality Act review of the 34th America's Cup Event, and coordinating and developing submittals for associated federal and state permits.

Privilege of the floor was granted to Brad Benson (Port) who responded to questions raised throughout the discussion regarding File No. 110071.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110072 [Accept and Expend Grant - Federal Green Jobs Workforce Development Training Project and Amendment to the Annual Salary Ordinance for FY2010-2011 - \$238,000]

Sponsors: Mayor; Mar

Ordinance authorizing the Mayor's Office of Economic and Workforce Development to retroactively accept and expend a grant in the amount of \$238,000 from the United States Department of Labor Employment and Training Administration to fund the Green Jobs Workforce Development Training Project, and amending Ordinance No. 191-10 (Annual Salary Ordinance FY2010-2011) to reflect the addition of one (1) grant funded 1824 Principal Administrative Analyst at 0.5 FTE in FY2010-2011 in the Mayor's Office of Economic and Workforce Development.

Supervisor Mar requested to be added as a co-sponsor.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

101595 [Sale Agreement - Permanent and Temporary Easements for Highway 84 Improvement Project in Alameda County - \$6,000]

Resolution approving and authorizing an agreement for the sale and conveyance of property rights in fee interest, two nonexclusive permanent easements, and three temporary easements over portions of Assessor's Parcel Numbers 85A-5400-2-3 and 507-762-005-00 located in Alameda County under the jurisdiction of the San Francisco Public Utilities Commission to State of California acting through its California Department of Transportation for a purchase price of \$6,000 which includes \$2,500 payment for City and County of San Francisco's administration and legal fees; adopting SFPUC's Resolution 10-0094; further adopting findings that the conveyance is in conformity with the City's General Plan Referral as required by Section 4.105 of the Charter and Section 2A.53 of the Administrative Code; is consistent with the Eight Priority Policies of City Planning Code Section 101.1; adopting that the sale/conveyance is "Categorically Exempt" from environmental review under Class 12-Surplus Government Property Sales under CEQA Guidelines; and authorizing City's Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

Resolution No. 70-11

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110013 [Accept and Expend Grant - Community Services Block Grant - \$750,000]**Sponsor: Mayor**

Resolution authorizing the Mayor's Office of Economic and Workforce Development to retroactively accept and expend a Community Services Block Grant in the amount of \$750,000 from the California State Department of Community Services and Development, through the Economic Opportunity Council, to support CityBuild, the Summer Youth Employment Program, and RAMP SF.

Resolution No. 68-11

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendation of the Land Use and Economic Development Committee**Supervisor Wiener Excused from Voting**

Supervisor Campos, seconded by Supervisor Chu, moved that Supervisor Wiener be excused from voting on File No. 101464. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi

Excused: 1 - Wiener

101464 [Planning Code - Zoning - Amendment of Upper Market Neighborhood Commercial District; Extension of Market and Octavia Community Infrastructure Fee Area]**Sponsor: Mirkarimi**

Ordinance amending the San Francisco Planning Code by amending Sections 134, 145.4, 151.1, 155, 207.7, 207.8, 263.20, 401, 416, 416.3, 416.5, 421.1, 421.3, 421.5, 721, and 721.1 to amend the Upper Market Street Neighborhood Commercial District and to extend the Market and Octavia impact fees area to include the portion of the Upper Market Street Neighborhood Commercial District lying outside the Market and Octavia Plan area; grandfathering certain pipeline projects from payment of the infrastructure fee; and adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Supervisor Mar, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi

Excused: 1 - Wiener

Ordinance amending the San Francisco Planning Code by amending Sections 134, 145.4, 151.1, 155, 207.7, 207.8, 263.20, 401, 416, 416.3, 416.5, 421.1, 421.3, 421.5, 721, and 721.1 to amend the Upper Market Street Neighborhood Commercial District and to extend the Market and Octavia impact fees area to include the portion of the Upper Market Street Neighborhood Commercial District lying outside the Market and Octavia Plan area; grandfathering certain pipeline projects from the new controls and payment of the infrastructure fee; and adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Supervisor Mirkarimi requested to be added as sponsor.

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi

Excused: 1 - Wiener

SPECIAL ORDER 3:00 P.M.

Recommendations of the Budget and Finance Committee

110036 [Adoption of Guidelines for the Establishment and Use of Infrastructure Financing Districts]

Sponsor: Elsbernd

Resolution adopting guidelines for the establishment and use of Infrastructure Financing Districts in the City and County of San Francisco.

Privilege of the floor was granted to Michael Yarne (MOEWD) and Ben Rosenfield, Controller, who provided an overview and responded to questions raised throughout the discussion regarding Infrastructure Financing District No. 1 (Rincon Hill Area).

*Supervisor Chiu, seconded by Supervisor Wiener, moved that the accompanying guidelines be AMENDED by adding 'unless non-Port land is included in a Port proposed IFD, in which case only the Port owned and/or managed land is exempt.' The motion carried by the following vote:
Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener*

Resolution No. 66-11

ADOPTED, after accepting the amendment to the accompanying guidelines, by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

101559 [Approving the Infrastructure Financing Plan - Rincon Hill Area]

Sponsors: Mayor; Kim

Resolution approving the Infrastructure Financing Plan for City and County of San Francisco Infrastructure Financing District No. 1 (Rincon Hill Area).
(Fiscal Impact.)

Resolution No. 65-11

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Board of Supervisors Sitting as a Committee of the Whole

110132 [Hearing - Infrastructure Financing District No. 1 - Rincon Hill Area]

Hearing of persons interested in or objecting to the proposed legislation: (1) creating the Infrastructure Financing District and adopting the Infrastructure Financing Plan for Infrastructure Financing District No. 1 (Rincon Hill Area); (2) calling for a special election and declaring the results for the Infrastructure Financing District No. 1 (Rincon Hill Area); and (3) authorizing the issuance of bonds for the Infrastructure Financing District No. 1 (Rincon Hill Area). (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Committee of the Whole relating to Infrastructure Financing District No. 1 (Rincon Hill Area). James Chaffee; Mark Soloman; Ray Hartz; spoke in opposition of the district. Jamie Whitaker; spoke in support of the district. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

Recommendations of the Budget and Finance Committee

101558 [Formation of an Infrastructure Financing District - Rincon Hill Area]

Sponsors: Mayor; Kim

Resolution proposing the formation of an Infrastructure Financing District for City and County of San Francisco Infrastructure Financing District No. 1 (Rincon Hill Area).
(Fiscal Impact.)

Resolution No. 64-11

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

101562 [Intention to Issue Bonds for the Infrastructure Financing District - Rincon Hill Area]

Sponsors: Mayor; Kim

Resolution of intention to issue bonds for City and County of San Francisco Infrastructure Financing District No. 1 (Rincon Hill Area).
(Fiscal Impact.)

Resolution No. 63-11

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

101560 [Special Election for the Infrastructure Financing District - Rincon Hill Area]

Sponsors: Mayor; Kim

Resolution calling for a special election for the City and County of San Francisco Infrastructure Financing District No. 1 (Rincon Hill Area).
(Fiscal Impact.)

Resolution No. 62-11

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

101561 [Declaring the Results of the Special Election for the Infrastructure Financing District - Rincon Hill Area]**Sponsors: Mayor; Kim**

Resolution declaring the results of special election for City and County of San Francisco Infrastructure Financing District No. 1 (Rincon Hill Area).
(Fiscal Impact.)

Angela Calvillo, Clerk of the Board, informed the Board of Supervisors that we were in receipt of 11 ballots, representing 14 votes for the Infrastructure Financing District No. 1 (Rincon Hill Area). Ms. Calvillo further indicated that 100% of the ballots received were in favor of the IFD and the ballot measures have passed by the required percentage.

Resolution No. 61-11**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

101557 [Creating an Infrastructure Financing District and Adopting an Infrastructure Financing Plan - Rincon Hill Area]**Sponsors: Mayor; Kim**

Ordinance creating an Infrastructure Financing District and adopting an Infrastructure Financing Plan for City and County of San Francisco Infrastructure Financing District No. 1 (Rincon Hill Area).
(Fiscal Impact.)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

101563 [Authorizing Issuance of Bonds for the Infrastructure Financing District - Rincon Hill Area]**Sponsors: Mayor; Kim**

Resolution authorizing the issuance of bonds for City and County of San Francisco Infrastructure Financing District No. 1 (Rincon Hill Area).
(Fiscal Impact.)

Resolution No. 60-11**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Mar, seconded by Supervisor Kim, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Mar introduced, welcomed, and presented a Certificate of Honor to Major Kurt Chew-Een Lee in recognition of his accomplishments surrounding the battle of Chosin during the Korean War.

Supervisor Kim introduced, welcomed, and presented a Certificate of Honor to Barbara Bobbi Lopez and the Mother's of La Voz Latina in recognition of their accomplishments and continued community support.

COMMITTEE REPORTS

Recommendations of the Rules Committee

101576 [Settlement of Lawsuit - CCSF v. Alexander A. Deanda, et al. - City to Receive \$75,000]

Ordinance authorizing partial settlement of the lawsuit filed by the City and County of San Francisco against Alexander A. Deanda, Gerald T. Lyons, and Sheldon Morris for \$45,000 from defendant Alexander A. Deanda and \$30,000 from Gerald T. Lyons; the lawsuit was filed on November 24, 2008, in San Mateo Superior Court, Case No. Civ 482-183; entitled City and County of San Francisco, et al. v. Alexander A. Deanda, et al.; the City has not yet settled with defendant Sheldon Morris. (City Attorney)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

101577 [Settlement of Lawsuit - Gang Hao O'Neil/James O'Neil - \$270,000]

Ordinance authorizing settlement of the lawsuit filed by Gang Hao O'Neil and James O'Neil against the City and County of San Francisco for \$270,000; the lawsuit was filed on October 5, 2009, in the San Francisco Superior Court, Case No. CGC 09-491579, entitled Gang Hao O'Neil and James O'Neil v. City and County of San Francisco. (City Attorney)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

101592 [Settlement of Lawsuit - Mackin, et al. - \$63,020]

Ordinance authorizing settlement of a lawsuit filed by the City and County of San Francisco against Kenneth Paul Mackin and Janice Mackin; Pacific Gas & Electric Company; Fremont Bank; and Does 1 through 100, to condemn and take by right of eminent domain a temporary construction easement over portions of real property located in Sunol, California, APN 096-0001-020-03; filed May 24, 2010, in Alameda County Superior Court, Case No. RG-10516566; entitled City of San Francisco v. Kenneth Paul Mackin and Janice Mackin; Pacific Gas & Electric Company; Fremont Bank; and Does 1 through 100. (City Attorney)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110021 [Settlement of Lawsuit - Jason Davis - \$4,000,000]

Ordinance authorizing settlement of the lawsuit filed by Jason Davis against the City and County of San Francisco for \$4,000,000; the lawsuit was filed on August 28, 2009, in Contra Costa Superior Court, Case No. MSC 09-02405; entitled Jason L. Davis, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110050 [Settlement of Lawsuit - Toni Battle - \$105,000]

Ordinance authorizing settlement of the lawsuit filed by Toni Battle against the City and County of San Francisco for \$105,000; the lawsuit was filed on October 16, 2009, in San Francisco Superior Court, Case No. CGC 09-493489, entitled Battle v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendation of the Land Use and Economic Development Committee**110026 [Accept and Expend State Grant - Removal of Abandoned Recreational Watercraft - \$15,200]**

Sponsor: Chiu

Resolution authorizing the Port of San Francisco to accept and expend a grant in the amount of \$15,200 from the California Department of Boating and Waterways, Abandoned Watercraft Abatement Fund, for removal and demolition of abandoned recreational watercraft on the Port's waterfront.

Resolution No. 71-11

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Ray Hartz; expressed concerns relating to government.
Damon Espher; spoke in support of proposed KUSF legislation.
Debra Davidson; expressed various concerns.
Walter Paulson; shared in song certain concerns with the Board.
Male Speaker; spoke in support of proposed KUSF legislation.
Nick Fell; spoke in support of proposed KUSF legislation.
Male Speaker; expressed various religious concerns.
Irwin Swirnoff; spoke in support of proposed KUSF legislation.
Douglas Yep; expressed various concerns.
Female Speaker; spoke in support of proposed KUSF legislation.
Allen Jones; expressed various concerns.
Dale Seymore; announced an upcoming Tenderloin open house.
Ace Washington; spoke regarding Black American History Month.
Fahim; expressed concerns relating to the homeless and issues facing Taxi cab drivers.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

110121 [Consolidation of Special Municipal Election with Special Statewide Election Anticipated for June 7, 2011]

Sponsor: Chiu

Resolution calling a Special Municipal Election for June 7, 2011, and consolidating that election with the Statewide Special Election anticipated to be held on the same date.

Resolution No. 69-11

ADOPTED

110122 [Commending The De Marillac Academy]

Sponsors: Elsbernd; Kim, Farrell and Campos

Resolution commending The De Marillac Academy on the occasion of its tenth anniversary and commending the Academy on its outstanding educational work.

Supervisors Farrell and Campos requested to be added as co-sponsors.

Resolution No. 72-11

ADOPTED

110123 [Approving a 90-Day Extension for Planning Commission Review of Parking Controls in SoMa and Mission Bay]**Sponsor: Kim**

Resolution extending by 90 days the prescribed time within which the Planning Commission may render its decision on a proposed ordinance that would amend the San Francisco Planning Code Sections 151, 151.1, 155, 161, 249.1, 249.23, and Part VII of Article 9 to: (1) remove minimum parking requirements and establish maximum parking limits in M-1, C-M, and South of Market districts and the Folsom and Main Residential/Commercial and Fourth and Freelon Streets Special Use Districts to make them consistent with those of neighboring districts; (2) require that non-residential and non-hotel parking in C-3 in the South of Market Mixed Use districts adjacent to Downtown maintain a fee structure which discourages long-term commuter parking; and (3) make parking controls in the Mission Bay Districts that are subject to the Planning Code consistent with requirements of neighboring districts; and making environmental findings, General Plan findings, and other required findings.

Resolution No. 67-11**ADOPTED****110124 [Condemning Rush Limbaugh for Mocking Chinese President Hu Jintao]****Sponsors: Mar; Avalos, Chu, Campos, Chiu, Kim and Cohen**

Resolution condemning Rush Limbaugh for mocking the Chinese language and Chinese President Hu Jintao on his radio show on January 19, 2011.

Resolution No. 82-11**ADOPTED****110125 [Apply for Department of Forestry and Fire Protection Grant for Fruit Bearing Trees]****Sponsor: Mayor**

Resolution authorizing the Department of the Environment of the City and County of San Francisco to apply for funding from the Department of Forestry and Fire Protection (CalFire) as provided through Propositions 40 and 84 for a project to plant fruit bearing trees on appropriate City land.

Resolution No. 73-11**ADOPTED****110126 [Accept and Expend Grant - Implementation of Programs for the Prevention, Care, and Treatment of HIV/AIDS - \$13,001]****Sponsor: Wiener**

Resolution authorizing the Department of Public Health to retroactively accept and expend a grant in the amount of \$13,001 from the University of California San Francisco to participate in a program entitled "Implementation of Programs for the Prevention, Care, and Treatment of HIV/AIDS" for the period of July 1, 2010, through June 30, 2011.

Resolution No. 74-11**ADOPTED**

110127 [Accept and Expend Grant - Western States Node of the National Drug Abuse Treatment Clinical Trials Network - \$16,876]**Sponsor: Wiener**

Resolution authorizing the Department of Public Health to retroactively accept and expend a grant in the amount of \$16,876 from the University of California San Francisco to participate in a program entitled "Western States Node of the National Drug Abuse Treatment Clinical Trials Network" for the period of September 1, 2010, through August 31, 2011.

Resolution No. 75-11

ADOPTED

110128 [Accept and Expend Grant - Integrating I-Tech International AIDS Education and Training Center - \$20,682]**Sponsor: Wiener**

Resolution authorizing the Department of Public Health to retroactively accept and expend a grant in the amount of \$20,682 from the University of California San Francisco to participate in a program entitled "Integrating I-Tech International AIDS Education and Training Center" for the period of April 1, 2010, through March 31, 2011.

Resolution No. 77-11

ADOPTED

110129 [Accept and Expend Grant - Risk Reduction Project - \$27,287]**Sponsor: Wiener**

Resolution authorizing the Department of Public Health to retroactively accept and expend a grant in the amount of \$27,287 from the Public Health Foundation Enterprises, Inc., to participate in a program entitled "Risk Reduction Project" for the period of August 1, 2010, through July 14, 2012.

Resolution No. 76-11

ADOPTED

110118 [Opposing the Metropolitan Transportation Commission's Proposal to Add Voting Members Representing Urban Areas]**Sponsors: Wiener; Campos and Avalos**

Resolution opposing the Metropolitan Transportation Commission's proposal to add voting members representing urban areas but excluding San Francisco and other large Bay Area cities, and urging the California State Legislature to oppose the proposal.

Supervisors Campos and Avalos requested to be added as co-sponsors.

Resolution No. 79-11

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Mirkarimi requested that File No. 110100 be severed so that it may be considered separately.

110100 [Opposing the Sale of KUSF's FCC License to Broadcast on 90.3 FM]

Sponsors: Mirkarimi; Mar

Resolution recognizing the long and valuable public service of radio station KUSF, opposing the sale of KUSF's FCC license to broadcast on 90.3 FM, requesting the USF Board of Regents to rescind the decision to transfer KUSF's license and reinstate KUSF programming, and urging San Francisco's Federal representatives to express their opposition to KUSF's sale to the Federal Communications Commission.

Resolution No. 81-11

ADOPTED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Cohen, Kim, Mar, Mirkarimi, Wiener

Noes: 3 - Chu, Elsbernd, Farrell

Supervisor Wiener requested that File No. 110119 be severed so that it may be considered separately.

110119 [Supporting Local 87 Janitors at 1 South Van Ness Avenue]

Sponsors: Wiener; Kim, Chiu, Avalos, Cohen, Campos and Mirkarimi

Resolution supporting reinstating the Janitors who have worked at 1 South Van Ness Avenue represented by Local 87.

Supervisor Wiener, seconded by Supervisor Mirkarimi, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisors Campos and Mirkarimi requested to be added as co-sponsors.

Resolution No. 80-11

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

IMPERATIVE AGENDA

The President inquired as to whether any member of the public wished to address the Board relating to Financial Aid Awareness Week as referenced in File No. 110149. There were no speakers. The President declared public comment closed.

[Purely Commendatory Finding]

Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Campos, seconded by Supervisor Mar, moved ADOPTION of the commendatory finding.

The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

[Brown Act Finding]

Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Campos, seconded by Supervisor Mar, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110149 [Financial Aid Awareness Week - February 6-12, 2011]

Sponsors: Campos; Avalos, Cohen, Chu, Farrell, Kim, Mar and Chiu

Resolution declaring February 6-12, 2011, as Financial Aid Awareness Week.

Supervisor Chiu requested to be added as a co-sponsor.

Resolution No. 78-11

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by a Supervisor or Mayor

Ordinances

110150 [Administrative Code - Process for Mayoral Appearance at the Board of Supervisors]

Sponsors: Chiu; Mar

Ordinance amending the Administrative Code by adding Section 2.11 to establish a process for the Mayor to appear at the Board of Supervisors for a question and answer session.

02/08/11; RECEIVED AND ASSIGNED to Rules Committee.

110151 [Appropriating \$6,995,000 of State Loans - West Marina Yacht Harbor Renovations for FY2010-2011]

Sponsor: Farrell

Ordinance appropriating \$6,995,000 of loan funding from the California Department of Boating and Waterways for the renovation of the West Harbor of the San Francisco Marina Yacht Harbor in the Department of Recreation and Park for FY2010-2011.

(Fiscal Impact.)

02/08/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

110152 [Planning Code - Zoning - Self-Service Restaurants, Retail Coffee Stores, and Video Stores]**Sponsor: Mirkarimi**

Ordinance amending the San Francisco Planning Code by amending Sections 710, 730, 733A, 733A.1, 790.90, 790.91, and 790.102 to: (1) increase the maximum use size for Small Self-Service Restaurants in Neighborhood Commercial Districts to that of the non-residential use size limit for the district and eliminate the limit on the number of seats; (2) increase the minimum size for Large Self-Service Restaurants in Neighborhood Commercial Districts to that of the non-residential use size limit for the district; (3) principally permit Small Self-Service Restaurants and Video Stores in Neighborhood Commercial Cluster (NC-1) and Neighborhood Commercial Transit Cluster (NCT-1) Districts; (4) conditionally permit Large Self-Service Restaurants in the Inner Sunset Neighborhood Commercial District; (5) require that mechanical noise and vibration from Self-Service Restaurants be confined to the premises; and (6) remove the prohibition of on-site food preparation and cooking and reheating equipment in Retail Coffee Stores; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

02/08/11; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/10/2011.

110153 [Administrative Code - Residential Rent Ordinance - Good Samaritan Base Rent Following Emergency Dislocation of Tenant]**Sponsors: Wiener; Farrell**

Ordinance amending Administrative Code Chapter 37 Residential Rent Arbitration and Stabilization Ordinance, by amending Section 37.2(a) to provide for temporary Good Samaritan base rent when a landlord and new tenant agree for the tenant to commence occupancy following an emergency such as fire or earthquake or landslide that required unexpected vacation of the tenant's previous unit, and the agreement includes a reduced rent rate for up to the first three hundred sixty-five (365) days of occupancy (Original Good Samaritan Status Period); initial base rent for purposes of calculating annual CPI increases per Section 37.3 shall be the rent payable upon expiration of the Original Good Samaritan Status Period, or upon expiration of any Extended Good Samaritan Status Period as agreed by the landlord and tenant in writing, for a total of no more than 730 days of Original and Extended Good Samaritan Status days combined; Good Samaritan status may be utilized only upon written certification by a specified City Official, that identifies the emergency and the resulting unit vacation on grounds of public health, safety, and habitability.

02/08/11; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/10/2011.

110154 [Appropriating \$2,809,000 of General Fund Reserve - Fourth Street Bridge Project Litigation Expenses in FY2010-2011]**Sponsor: Mayor**

Ordinance appropriating \$2,809,000 from the General Fund Reserve to the Department of Public Works for litigation expenses related to the Santa Clara Superior Court Case between Mitchell Engineering/Obayashi Corporation v. City and County of San Francisco for the Fourth Street Bridge Project in FY2010-2011.

(Fiscal Impact.)

02/08/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

110155 [Business and Tax Regulations Code - Payroll Expense Tax Exclusion in Central Market Street and Tenderloin Area]**Sponsors: Mayor; Kim, Chiu and Farrell**

Ordinance amending Article 12-A of the Business and Tax Regulations Code by adding Section 906.3 to establish a payroll expense tax exclusion for businesses located in the Central Market Street and Tenderloin Area.

(Fiscal Impact; Economic Impact.)

02/08/11; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 3/10/2011.

Resolutions**110157 [Accept and Expend Grant - Carl Moyer Program - \$178,962]****Sponsor: Chiu**

Resolution authorizing the Police Department to retroactively accept and expend a Carl Moyer Grant in the amount of \$178,962 from the Bay Area Air Quality Management District to replace the engines on board the Marine 1 Police Boat.

02/08/11; RECEIVED AND ASSIGNED to Public Safety Committee.

110158 [Accept and Expend Grant - State Department of Boating and Waterways - \$65,000]**Sponsor: Chiu**

Resolution authorizing the Police Department to retroactively accept and expend a grant in the amount of \$65,000 from the California State Department of Boating and Waterways for a Boating Safety and Enforcement Grant to purchase equipment for the Marine Unit.

02/08/11; RECEIVED AND ASSIGNED to Public Safety Committee.

110159 [Accept and Expend Grant - Safe Havens: Supervised Visitation and Safe Exchange Continuation Project - \$141,586]**Sponsor: Cohen**

Resolution authorizing the Department of Public Health to retroactively accept and expend a grant from the Department of Justice in the amount of \$141,586 to fund the project entitled "Safe Havens: Supervised Visitation and Safe Exchange Continuation Project" for the period of October 1, 2010, through September 30, 2011.

02/08/11; RECEIVED AND ASSIGNED to Public Safety Committee.

110160 [Accept and Expend Grant - Arelious Walker Drive Stairway Improvement Project - \$1,109,000]**Sponsor: Cohen**

Resolution authorizing the Department of Public Works to accept and expend a federal grant in the amount of \$1,109,000 from the Metropolitan Transportation Commission for the Arelious Walker Drive Stairway Improvement Project.

02/08/11; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

110161 [Accept and Expend Grant - Installation of Rubber Sidewalks - Not to Exceed \$12,600]**Sponsor: Cohen**

Resolution authorizing the Department of Public Works to apply for grant funds in the amount up to, but not to exceed, \$12,600 from the California Department of Resources Recycling and Recovery, Tire-Derived Product Grant Program for the purpose of installing rubber sidewalks and preserving mature trees.

02/08/11; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

110162 [Oliver W. Sipple Day - September 22, 2011]**Sponsors: Campos; Wiener**

Resolution declaring September 22, 2011, as Oliver W. Sipple Day in San Francisco to honor a gay American hero, who on September 22, 1975, saved the life of President Gerald Ford outside of St. Francis Hotel in Union Square in San Francisco.

02/08/11; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

110170 [Urging the Governor of California to Protect Proposition 10 Funding for Local Children's Programs]**Sponsors: Mar; Campos**

Resolution urging the Governor of California to protect Proposition 10 County funding by not sweeping \$1,000,000,000 in Proposition 10 funds from local First 5 Commissions reserves, and urging a permanent diversion of 50% of all future Proposition 10 revenues.

02/08/11; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

110171 [Park Branch Library Reopening]**Sponsor: Mirkarimi**

Resolution recognizing the grand reopening of the Park Branch Library and commending the San Francisco Public Library, and its team, for their hard work and commitment to San Francisco and its residents.

110075 [Accept and Expend Grant - Safe Routes to School - \$500,000]**Sponsors: Chiu; Mar**

Resolution authorizing the Department of Public Health to accept and expend a grant in the amount of \$500,000 in Federal Surface Transportation Program and/or Congestion Mitigation and Air Quality Improvements Funds through the Metropolitan Transportation Commission's Safe Routes to School Grant Program for the period September 1, 2011, through August 31, 2013, waiving indirect costs, stating assurance to complete the project, and to delegate authorization to execute these agreements and any amendments thereto to the Director of Public Health.

01/25/11; RECEIVED AND ASSIGNED to Public Safety Committee.

02/08/11; SUBSTITUTED AND ASSIGNED to Public Safety Committee.

Motions

110167 [Suspending Board Rule 4.38 to Permit the Board of Supervisors to Consider an Amendment to Rule 5.1 Concerning the Budget and Finance Committee Structure]
Sponsor: Chu

Motion suspending Rule 4.38 of the Board of Supervisors' Rules of Order to consider, without reference, an amendment to Rule 5.1 to amend the date the Budget and Finance Committee expands to five members and the date the three member subcommittee is established from April 1 to March 1.

02/08/11; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

110172 [Suspending Board Rule 4.38 to Permit the Board of Supervisors to Consider an Amendment to Rule 5.7 Extending the Joint City and School District Committee for One Year Ending March 1, 2012]
Sponsor: Cohen

Motion suspending Rule 4.38 of the Board of Supervisors' Rules of Order to consider, without reference, an amendment to Rule 5.7 to extend the term of the Joint City and School District Select Committee for one year ending March 1, 2012.

Requests for Hearing

110138 [Hearing - San Francisco Unified School District's Enrollment Procedures for 2011-2012 School Year]
Sponsor: Cohen

Hearing on the application procedures for enrollment in the 2011-2012 school year and San Francisco Unified School District's related outreach program, which culminate in an enrollment deadline of February 18, 2011.

02/08/11; RECEIVED AND ASSIGNED to City and School District Select Committee.

110156 [Annual Review and Adoption of the Proposed Board of Supervisors/Clerk of the Board FY2011-2012 Budget]

Hearing to consider the annual review and adoption of the proposed Board of Supervisors/Clerk of the Board FY2011-2012 Budget. (Clerk of the Board)

02/08/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

110163 [Hearing - Community Policing]
Sponsor: Campos

Hearing on the state of Community Policing in San Francisco, requesting an update from the Chief of Police and Mayor's Office on the status of the efforts outlined in the November 2006 report and to clarify whether or not the department continues to embrace Community Policing Strategies.

02/08/11; RECEIVED AND ASSIGNED to Public Safety Committee.

110164 [Hearing - Reentry Council Annual Report]**Sponsor: Mirkarimi**

Hearing to receive and consider the Annual Report of the San Francisco Reentry Council.

02/08/11; RECEIVED AND ASSIGNED to Public Safety Committee.

110165 [Hearing - City Labor Contracts Status and Provisions]**Sponsor: Chu**

Hearing to receive an update from the Department of Human Resources on the status and provisions of City labor contracts.

02/08/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

110166 [Hearing - Set-Asides and Reserves Policies]**Sponsor: Chu**

Hearing to receive an update regarding the City's policies on set-asides and reserves.

02/08/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Introduced by the President at the Request of a Department**PROPOSED ORDINANCE****110107 [Settlement of Lawsuit - Paul Graham - \$34,271.51]**

Ordinance authorizing settlement of the lawsuit filed by Paul Graham against the City and County of San Francisco for \$34,271.51; the lawsuit was filed on March 12, 2009, in San Francisco Superior Court, Case No. CGC-09-486068; entitled Paul Graham, et al. v. City and County of San Francisco, et al. (City Attorney)

01/27/11; RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS**110108 [Settlement of Unlitigated Claim - John Payne - \$220,229]**

Resolution approving the settlement of the unlitigated claim filed by John Payne against the City and County of San Francisco for \$220,229; claim including grievance was filed on July 9, 2010. (City Attorney)

01/28/11; RECEIVED AND ASSIGNED to Rules Committee.

110109 [Airport Lease Agreement - China Airlines, Ltd. - Building 648]

Resolution approving and authorizing the execution of Lease No. 10-0347 with China Airlines, Ltd., for cargo warehouse and support office space to be occupied by China Airlines, Ltd., in Building 648 at San Francisco International Airport.

01/28/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from newsstands at the following locations:

San Francisco Bay Guardian

Southeast corner of Fillmore and Post

Southwest corner of Divisadero and Sutter

9th Avenue and Judah (near bus stops)

7th Avenue and Irving (near bus stops)

Northwest corner of Hayes and Fillmore

Southeast corner of Fillmore and Haight

San Francisco Chronicle

Northwest corner of Fillmore and Hayes

Southeast corner of Haight and Fillmore

Irving and 9th Avenue

Irving and 7th Avenue

Southwest corner of Haight and Clayton

Southeast corner of Haight and Masonic

Examiner

Northwest corner of Fillmore and Hayes

Southeast corner of Haight and Fillmore

SF Daily

Northwest corner of Hayes and Gough

City Star

Northwest corner of Hayes and Gough

Southeast corner of Fillmore and Haight

SF Weekly

Southeast corner of Masonic and Haight

Southeast corner of Haight and Fillmore

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti at the following locations:

Garbage Cans

Northeast corner Page and Octavia

Southeast corner Scott and Grove

Opposite 1855 Hayes

Southwest corner Ashbury and Haight

Northeast corner Octavia and Haight

Southeast corner Masonic and Haight

Mailboxes

Southeast corner Fillmore and Oak

Northeast corner Buchanan and Haight near 1800 Turk

Northwest corner Divisadero and Geary

*From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of repairing potholes at the following locations:*

*Potholes, Lights and Sidewalk Issues
Within western crosswalk of Page and Schrader
Within the intersection of Haight and Clayton
Near 687 Haight
Near 535 Haight*

*From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti at the following private property locations:*

*1167 Oak
546 Haight
542 Haight
515 Haight
1701 Turk
1366 Turk
399 Haight, on the Webster side
1431 Eddy
1826 Geary
2 Avery
6 Avery
8 Avery
333 Haight
799 Haight
798 Haight
1569 Fulton
418 Haight
847 Haight
921 Haight
672 Stanyan
1500 Page
1970 Page
851 Fell
865 Fell
1787 Haight
1777 Haight
1607 Haight*

*From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the public property located at the following locations:*

*Utility Boxes
Southeast corner Scott and Geary
Northeast corner Eddy and Divisadero
In front of 1701 Turk*

*Bus Shelters
Southwest corner Buchanan and Haight
Southeast corner Buchanan and Hayes*

Southwest corner Fillmore and Hayes
Northeast corner Hayes and Fillmore
Southwest corner Haight and Pierce
Northwest corner Laguna and Haight
Northeast corner Masonic and Fulton
Fillmore and Haight (all 4 bus stops, graffiti and grime and canopies are graffiti also canopies have graffiti)

Fire Hydrants
1701 Turk
Southeast corner Scott and Geary

Emergency Boxes
Northeast corner Scott and Eddy
Approximately 1655 Turk

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from utility poles at the following locations:

Metal Poles
Northwest corner Seymour and Turk
Southwest corner Page and Octavia
Southwest corner Hickory and Octavia
Southwest corner Page and Gough
Southeast corner Haight and Buchanan
Northwest corner Haight and Laguna
In front of 1701 Turk
In front of 1773 Turk
In front of 1739 Turk
Opposite 1910 Eddy
In front of 10 Avery
In front of 1910 Geary
In front of 335 Haight
Northwest corner Divisadero and Fulton

Wood Poles
Southwest corner Webster and Page
In front of 772 Fell
In front of 870 Fell
In front of 888 Fell
Southwest corner Haight and Clayton

From: Supervisor Chiu
To: City Attorney
Requesting/Inquiring: Requesting the City Attorney to draft legislation to strengthen protections for janitorial service workers.

In Memoriams

*Jessie Zmuda – Entire Board
John Traina – Supervisor Farrell
Allen Smith – Supervisor Mirkarimi
Kevin Chojczak – Supervisor Avalos
Frank Mallia – Supervisor Campos
David Kato Kisule – Supervisor Wiener*

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:51 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on March 15, 2011.

Angela Calvillo, Clerk of the Board